**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ADAM PACHECO,

     Plaintiff,

vs.   Civ. No. 1:23-593 KRS/KK

CITY OF ESPANOLA,

     Defendant.
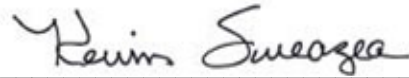
<u>ORDER REMANDING CASE TO STATE COURT</u>

THIS MATTER is before the Court *sua sponte* and upon review of the record. The

parties have consented to the undersigned to conduct dispositive proceedings in this matter,

including the entry of final judgment. (Docs. 5, 6, 7). On July 14, 2023, Defendant filed a

document titled Notice of Removal of State Court Action Pursuant to 28 U.S.C. §§ 1331 and

1443 on the Basis of a Federal Question. (Doc. 1). On July 20, 2023, United States Magistrate

Judge Kirtan Khalsa entered an Order to Cure noting the Notice of Removal does not contain a

statement of the grounds for removal, and instead appears to be an answer to Plaintiff's

Complaint. (Doc. 3). The grounds for removal are also not apparent from the Complaint

attached to the Notice of Removal, which appears to assert only state law claims. *See* (Doc. 1-3)

at 3-10. Judge Khalsa ordered Defendant to amend its Notice of Removal by July 27, 2023 to

include a statement of the grounds for removal, and notified Defendant that if it fails to timely

amend, the Court may remand this matter without further notice. (Doc. 3) at 1-2.

Defendant has not filed a response to the Order to Show Cause, and the time for doing so

has passed. Accordingly, Defendant has not shown that it can remove this case from the First

Judicial District Court pursuant to 28 U.S.C. §§ 1441-1446 because Defendant has not stated the

grounds for removal and has not shown that the Court has jurisdiction over the action.

Consequently, the Court must remand this case to state court. *See* 28 U.S.C. § 1447(c) ("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.").

IT IS THEREFORE ORDERED that this case is remanded to the First Judicial District Court, Rio Arriba County.

IT IS SO ORDERED.

_____
KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent